

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

v.

MARCUS TODD BRISCO, YAS CASTELLUM
LLC, YAS CASTELLUM FINANCIAL LLC, TIN
QUOC TRAN, FRANCISCO STORY,
FREDIRICK SAFRANKO, a/k/a TED
SAFRANKO, SAEG CAPITAL GENERAL
MANAGEMENT LP, and MICHAEL SHANNON
SIMS,

Defendants.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

CASE NO. 4:23-CV-00336

**RECEIVER’S MOTION FOR ORDER ESTABLISHING
CLAIMS ADJUDICATION PROCESS**

Kelly M. Crawford, Receiver, moves the Court for an Order establishing a claims adjudication process for all Receivership Assets,¹ and respectfully requests the Court as follows:

I.

BACKGROUND FACTS

1. On February 6, 2023, this Court entered an *Order Granting Plaintiffs’ Motion for an Ex Parte Statutory Restraining Order, Appointment of Temporary Receiver, and Other Equitable Relief* (the “SRO”) [Docket No. 10]. Pursuant to the SRO, this Court appointed Kelly M. Crawford as Receiver of the assets of the Defendants and vested the Receiver with authority to

¹ The term “Receivership Assets” is defined below.

recover assets and investigate claims. Thereafter, the SRO was extended by Consent Orders [Docket Nos. 65 and 66] entered on March 30, 2023. The Consent Orders continue the SRO and further authorize the Receiver to take possession, custody, and control of the assets of the Defendants and the entities they own or control (“Receivership Assets”).

2. The Receiver was appointed and charged to “preserve assets, investigate and determine customer claims, determine unlawful proceeds retained by Defendants and amounts due to customers as a result of Defendants’ alleged violations, and distribute remaining funds under the Court’s supervision.” SRO, ¶ 8. The SRO further directed and authorized the Receiver to “[m]ake payments and disbursements from the Receivership Estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. . . .” subject to prior approval by the Court. SRO, ¶ 28(k).

3. Accordingly, the Receiver recommends the Court establish a process for the Receiver to receive claims, make recommendations regarding the claims received, and for the Court to decide claims, which will be used for future distribution of Receivership Assets recovered by the Receiver.

II.

RECEIVER’S RECOMMENDED CLAIMS PROCESS

4. The Receiver recommends the following claims adjudication process: The Receiver would be required to mail a written notice of the right to file a claim in the form attached as Exhibit A to all known investors and creditors, and publish in *USA Today*, a publication with national circulation, a notice of such right in the form attached as Exhibit B. All investors and creditors with claims in the Receivership would be required to submit to the Receiver a claim on the “Proof of Claim” form attached hereto as Exhibit C. The Receiver would then report to the Court

regarding the submitted claims, and make a recommendation as to the amount, if any, to be allowed for each claim. After claimants have an opportunity to respond to the Receiver's report, the Court would conduct a hearing on any unresolved objections to the submitted claims before entering an order approving or rejecting such claims.

5. In order to accomplish the foregoing, the Receiver recommends the Court enter the proposed order attached as Exhibit D, which will establish a just and efficient adjudication process.

The proposed order establishes the following dates for the claims adjudication process:

30 days after entry of Order ²	Deadline for Receiver to mail Notice of Right to File Claim and Proof of Claim forms to known investors or creditors and to publish Notice of Right to File Claim in <i>USA Today</i> .
90 days after entry of Order	Deadline for submitting Claims to the Receiver ("Bar Date").
30 days after Bar Date	Deadline for the Receiver to file and serve his Claims Report.
60 days after Bar Date	Deadline for serving on the Receiver any objections to the Receiver's Claims Report.
90 days after Bar Date	Deadline for the Receiver to file with the Court copies of objections and his response to objections.
Court's discretion	Hearing to adjudicate claims, if Court determines necessary.

6. The Receiver recommends the Court approve a process for the adjudication of claims against the Receivership Assets now to allow for distribution of assets to approved claimants when a distribution is authorized by the Court. Starting the several-month-long claims adjudication process now will allow the Receiver to make distributions of Receivership Assets to

² An Order approving this Motion with the Receiver's proposed Claims Process.

investors and creditors of the Defendants much more expeditiously than if the claims process does not commence until all other legal matters are resolved.

7. After claims have been approved by the Court, the Receiver will make a recommendation to the Court regarding the priority in making distributions among approved Claimants, the amounts to distribute, and the basis for determining the amounts to distribute. Any distribution of Receivership Assets is dependent upon a future order of this Court and no distributions will be made without express authorization from the Court subsequent to compliance with all other provisions of the claims process.

WHEREFORE PREMISES CONSIDERED, the Receiver respectfully requests that the Court enter the proposed Order Establishing Claims Adjudication Procedures attached hereto at Exhibit D and afford the Receiver such other relief as the Court deems appropriate.

Respectfully submitted,

SCHEEF & STONE, L.L.P.

By: /s/ Peter C. Lewis
Peter C. Lewis
State Bar No. 12302100
peter.lewis@solidcounsel.com

500 N. Akard St., Suite 2700
Dallas, Texas 75201
Telephone: (214) 706-4200
Telecopier: (214) 706-4242

**ATTORNEY FOR RECEIVER
KELLY M. CRAWFORD**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of January, 2024, I electronically filed the foregoing document with the clerk of the U.S. District Court, Southern District of Texas, using the electronic case filing system of the court, and the electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record.

/s/ Peter C. Lewis
Peter C. Lewis

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that: (a) on January 12, 2024, he conferred by email with counsel for the Plaintiff Commodity Futures Trading Commission (“CFTC”), who advised that CFTC was unopposed to the relief requested hereinabove, (b) on January 12, 2024, he also conferred by email with counsel for the Defendant Francisco Story, who advised that his client took no position regarding the relief requested hereinabove, (c) on January 12 and January 16, 2024, he conferred by email with counsel for Defendant Michael Shannon Sims, who advised that his client took no position regarding the relief requested hereinabove, and (d) as of January 17, 2024, counsel for Defendants Marcus Todd Brisco, Yas Castellum LLC, and Yas Castellum Financial LLC had not responded to the undersigned’s January 12, 2024, email requesting his clients’ position regarding the relief requested hereinabove.

/s/ Peter C. Lewis
Peter C. Lewis

NOTICE OF RIGHT TO FILE CLAIM

Re: *Commodity Futures Trading Commission v. Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial LLC, Tin Quoc Tran, Francisco Story, Fredirick Safranko a/k/a Ted Safranko, SAEG Capital General Management LP, and Michael Shannon Sims*, Civil Action 4:23-CV-00336, pending in the United States District Court for the Southern District of Texas, Houston Division

Dear Investor or Creditor:

This letter is notice to all known investors or creditors who may have a claim against Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial LLC, Tin Quoc Tran, Francisco Story, Fredirick Safranko a/k/a Ted Safranko, SAEG Capital General Management LP, and/or Michael Shannon Sims, that arose prior to February 6, 2023. You must file with the Receiver an original Proof of Claim, signed under oath by the investor or creditor or an authorized representative of the investor or creditor. A Proof of Claim form is enclosed with this letter.

Do not file the Proof of Claim with the Court. The original of the Proof of Claim (with the required attachments) should be emailed, mailed (postage prepaid), or otherwise delivered to:

Kelly M. Crawford, Receiver
500 N. Akard Street, Suite 2700
Dallas, Texas 75201
kelly.crawford@solidcounsel.com

THE LAST DAY FOR FILING A PROOF OF CLAIM IS [insert Bar Date]. PLEASE NOTE THAT THE PROOF OF CLAIM MUST BE MAILED OR OTHERWISE DELIVERED TO THE RECEIVER SO THAT IT IS RECEIVED BY THE RECEIVER ON OR BEFORE [insert Bar Date] IN ORDER FOR THE PROOF OF CLAIM TO BE CONSIDERED TIMELY FILED.

Any investor or creditor who does not file a properly-completed Proof of Claim, as provided above, on or before [insert Bar Date], shall be forever barred from participation in the distribution of funds held by the Receiver.

The approval or disapproval of claims, determination of priority of claims for distribution, and any distribution will be determined by the United States District Court for the Southern District of Texas, Houston Division in Civil Action 4:23-CV-00336.

Additional Proof of Claim forms are available by downloading a copy from the receivership website, <https://saegreceivership.com>, or by contacting the Receiver in writing at the address indicated above or by calling (214) 706-4213.

Kelly M. Crawford
Receiver



**PUBLIC NOTICE TO CLAIMANTS
IN THE BRISCO, ET AL RECEIVERSHIP**

Notice is hereby given that the United States District Court for the Southern District of Texas (the "Receivership Court") In Cause No. 4:23-CV-00336, *Commodity Futures Trading Commission v. Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial, LLC, Tin Quoc Tran, Francisco Story, Fredrick Safranko, a/k/a Ted Safranko, SAEG Capital General Management, LP, and Michael Shannon Sims*, authorizes the Receiver to identify all claims against the Receivership Defendants Identified below prior to entering an order for distribution of the available assets.

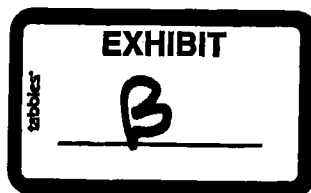
All investors, creditors and other persons who may have a claim *arising prior to February 6, 2023* against the Receivership Defendants Identified below, or the assets held by the Receiver must submit to the Receiver a completed Proof of Claim, signed under oath by the claimant or an authorized representative:

Receivership Defendants: Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial LLC, Tin Quoc Tran, Francisco Story, Fredrick Safranko a/k/a Ted Safranko, SAEG Capital General Management LP, and Michael Shannon Sims.

A proof of Claim is available from the Receiver by calling (214) 706-4213, or by writing to the address indicated below. **Do not file the Proof of Claim with the Court.** The completed Proof of Claim (with required attachments) should be mailed, postage prepaid, or otherwise delivered to: Kelly M. Crawford, Receiver, 500 North Akard, Suite 2700, Dallas, TX 75201. The Receiver's email address is Kelly.crawford@solidcounsel.com.

**LAST DAY FOR FILING A PROOF OF CLAIM WITH
THE RECEIVER IS [INSERT BAR DATE]**

Any Investor, creditor or other claimant who does not file a Proof of Claim with the Receiver on or before **[Insert Bar Date]** shall be forever barred from participation in the distribution of funds held by the Receiver, unless Receivership Court orders otherwise.



Commodity Futures Trading Commission v.
Marcus Todd Brisco, et al.
4:23-CV-00336; United States District Court,
Southern District of Texas, Houston Division

FOR RECEIVER'S USE ONLY

PROOF OF CLAIM

INSTRUCTIONS FOR PROOF OF CLAIM

(The instructions and definitions below are general explanations of this form)

A. Deadline for Filing Proof of Claim: [Insert Date]. Any Proof of Claim not electronically mailed, mailed or otherwise delivered so that it is received by the Receiver by [Insert Date] will be considered untimely, which may result in rejection of the claim.

B. DEFINITIONS

Proof of Claim: This form must be completed in accordance with these instructions and timely filed with Kelly Crawford, Receiver, 500 North Akard, Suite 2700, Dallas, Texas 75201.

Claimant: Claimant is any person, corporation, or other entity entitled to assert a claim against the Receivership Defendants, the Receiver, or against any property in the possession of the Receiver.

Receivership Defendants: Receivership Defendants are Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial LLC, Tin Quoc Tran, Francisco Story, Fredrick Safranko a/k/a Ted Safranko, SAEG Capital General Management LP, and Michael Shannon Sims.

Investor Claim: If you invested with any of the Receivership Defendants listed above or any entity listed in Section "G" and were not fully repaid your investment, you have an Investor Claim.

C. ITEMS TO BE COMPLETED IN PROOF OF CLAIM

1. General: The information and documentation requested in this Proof of Claim will be used by the Receiver in calculating distributions from this Receivership to Claimants. Please be as detailed and complete as possible with regard to submissions and accounts attached to this form. Providing false, misleading or incomplete information or incomplete documentation will delay any disbursement made from this Receivership and could jeopardize any distribution to you.

2. Claimant Information: Complete this section, giving the name, address, and telephone number of the Claimant to whom the Receivership owes money or property, and the

Unsecured Creditor Claim: A claim against the Receivership Defendants or property in the possession of the Receiver that is not an Investor Claim or a Secured Claim. A claim may be partially secured and partially unsecured if the net realizable value of the property on which a creditor has a lien (collateral) is less than the amount of the claim.

Secured Claim Other than Investor Claim: A claim is a secured claim to the extent that the Claimant properly perfected a lien on property of the Receivership Defendants or any other property in the possession of the Receiver (collateral) that gives the Claimant the right to be paid from the property before Claimants who do not have liens on the property. A Secured Claim does not include Investor Claims.



account number, if any. If anyone else has already filed a Proof of Claim relating to this claim, if you have never received notices from the Receiver about this case, or if this Proof of Claim replaces or changes a Proof of Claim previously filed, check the appropriate box on the form.

3. Basis for Claim: Check the type of claim for which the Proof of Claim is being filed. If you were an employee of Receivership Defendants, fill in your social security number and the dates on which you worked but for which you were not paid. If the type of claim is not listed, check "Other" and briefly describe the claim.

4. **Time Period in Which Claim Was Incurred:** Provide the dates on which the investments were made or claim incurred by the Receivership Defendants.

5. **Court Judgment:** If you have a court judgment for this claim, state the date the court entered the judgment.

6. **Investor Claim:** If you are an investor, you must include in the Proof of Claim all investments made, as well as all amounts you received from any of the Receivership Defendants.

7. **Secured Claim:** Check the appropriate box if your claim is a secured claim. You must state the type and value of property that is collateral for your claim, attach copies of the documentation of your lien, and state the amount past due on your claim as of the date the assets of the Receivership Defendants were frozen (February 6, 2023). A claim may be partly secured and partly unsecured.

8. **Total Amount of Claim:** Provide the total amount of your claim and attach an itemization.

9. **Credit:** By signing this Proof of Claim, you are stating under oath that in calculating the amount of your claim you have reduced the claim by ALL payments received from any of the Receivership Defendants, or any other third party on their behalf.

10. **Supporting Documents:** You must attach to this Proof of Claim copies of all investment documents that show the claim is owed, or if documents are not available, you must attach an explanation as to why documents are not available. If you have previously provided the Receiver with supporting documentation, you are not required to resubmit such documentation. You are still required, however, to timely file the Proof of Claim.

DO NOT SEND ORIGINAL DOCUMENTS

11. **Acknowledgment of Filing Proof of Claim:** To receive an acknowledgment of the receipt of your Proof of Claim, enclose a self-addressed envelope and a copy of your Proof of Claim.

I. CLAIM INFORMATION

A. CLAIMANT:

Name: _____

Address: _____

Telephone: _____

Alternative Telephone: _____

Email Address: _____

- Check box if you did not receive any notices from the Receiver in this case.
- Check box if this address differs from the address on the envelope sent to you by the Receiver.
- Check box and attach copy of assignment if claim has been assigned by you to another person or entity.

ACCOUNT NUMBER WHICH IDENTIFIES CLAIMANT, IF ANY: _____

This claim replaces amends supplements (check if applicable) a Proof of Claim previously filed on ___/___/___

B. BASIS FOR CLAIM:

- Investment
- Goods Sold
- Services Performed
- Money Loaned or Credit Extended
- Wages, Salaries, and Compensation (if checked, describe below)

Your Social Security Number _____

Unpaid Services Performed from _____ to _____

Nature of Services (describe): _____

Other (describe): _____

C. TIME PERIOD IN WHICH CLAIM WAS INCURRED: From ___/___/___ to ___/___/___ . If Claim is subject of a Court Judgment, date of judgment: ___/___/___

D. CLASSIFICATION OF CLAIM:

INVESTOR CLAIM

Total Amount of Claim: \$ _____

Dates of Investment: ___/___/___
 ___/___/___
 ___/___/___
 ___/___/___

Required Supporting Documents (attach ALL of the following required documents to this Proof of Claim if not previously provided to the Receiver):

- Copies of all investment checks, cashier's checks, or wire transfers issued by you to any of the Receivership Defendants;
- Copies of each signed agreement or contract, if any, between you and any of the Receivership Defendants; and
- Complete chronological accounting of all money received by you from the Receivership Defendants or a third party on behalf of any Receivership Defendant. With this accounting, you must list amounts and dates of each payment received, including interest, commissions, referral fees or sponsor payments.

Did you receive any funds from any of the Receivership Defendants, the entities listed in Section G, or on behalf of any of the foregoing?

YES NO If YES, provide dates and amounts of each payment or sum of money you received:

MM / DD / YY	AMOUNT	Name of Person/Entity You received money from.
___/___/___	_____	_____
___/___/___	_____	_____

UNSECURED CREDITOR CLAIM OTHER THAN INVESTOR CLAIM

Amount of Claim: \$ _____

For the purpose of filing this form, a claim is unsecured if there is no collateral or to the extent the value of the collateral is less than the amount of the claim.

SECURED CLAIM OTHER THAN INVESTOR CLAIM

Amount of Claim: \$ _____

Attach evidence of the perfection of security interest.

Brief description of collateral:

- Real Estate
- Motor Vehicle
- Other (describe): _____

E. TOTAL AMOUNT OF CLAIM:

\$ _____ + \$ _____ + \$ _____ = \$ _____

(Investor Claim) (Unsecured other than Investor Claim) (Secured other than Investor Claim) (Total)

F. TOTAL AMOUNT RECOVERED FROM THIRD PARTY:

Total amount received by Claimant from any third party: \$ _____

Briefly describe details of all third party recoveries, including the identity of the third party from whom you recovered:

G. DEFENDANTS TO WHOM CLAIM IS APPLICABLE

Failure to designate the specific Receivership Defendant or entity to which this claim applies will result in an allocation of the claim by the Receiver, based on the Receiver's records. The claim applies to the Receivership Defendant or entity to whom you directly transferred the funds giving rise to the claim.

- Marcus Todd Brisco – Total Claim: \$ _____
- Francisco Story – Total Claim: \$ _____
- Fredirick Safranko, a/k/a Ted Safranko – Total Claim: \$ _____
- Michael Shannon Sims – Total Claim: \$ _____
- Yas Castellum LLC – Total Claim: \$ _____
- Yas Castellum Financial LLC – Total Claim: \$ _____
- Tin Quoc Tran – Total Claim: \$ _____
- MTT9 Holdings LLC – Total Claim: \$ _____
- TD Tran Investments LLC – Total Claim: \$ _____
- SAEG Capital Ltd. – Total Claim: \$ _____
- SACAP Holdings Inc. – Total Claim: \$ _____
- SECAP Holdings LLC – Total Claim: \$ _____
- Other – Total Claim: \$ _____

If you selected "Other" identify the person/entity to whom the claim applies: _____

Total of Claims: \$ _____

II. CERTIFICATION

The undersigned certifies under penalty of perjury that information contained in this Proof of Claim, including any attachment(s), is correct and that the undersigned is authorized to make this claim.

Signature

Date

Printed Name

Title, if any, of Claimant(s) or other person authorized to file this claim
(attach copy of power of attorney, if any)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

COMMODITY FUTURES TRADING
COMMISSION

Plaintiff,

v.

MARCUS TODD BRISCO, YAS CASTELLUM
LLC, YAS CASTELLUM FINANCIAL LLC, TIN
QUOC TRAN, FRANCISCO STORY,
FREDIRICK SAFRANKO, a/k/a TED
SAFRANKO, SAEG CAPITAL GENERAL
MANAGEMENT LP, and MICHAEL SHANNON
SIMS,

Defendants.

§
§
§
§
§
§
§
§
§
§

CASE NO. 4:23-CV-00336

ORDER ESTABLISHING CLAIM ADJUDICATION PROCESS

The Receiver’s Motion to Establish a Claims Adjudication Process (the “Motion”),
having been considered by the Court, and the Court having noted the pleadings on file, the Court
finds the Receiver’s Motion should be granted.

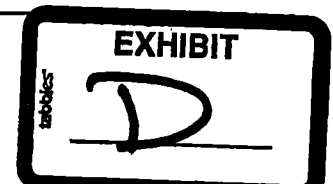
NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings specified
below:

1.1 Administrative Claim: Every cost or expense of the Receiver or his attorneys or
other agents incurred in the administration of the Receivership, including but not limited to, any

ORDER ESTABLISHING CLAIMS ADJUDICATION PROCESS



actual and necessary expenses of accounting for, preserving, or disposing of the Receivership Assets.

1.2 Approved Claim: An Investor Claim, Unsecured Creditor Claim, or Secured Creditor Claim that has been timely filed with the Receiver and has been approved by the Court.

1.3 Creditor Claim:

a. Any right of a Creditor to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured, which right arose or accrued prior to the date the assets of the Receivership Defendants were placed in receivership, February 6, 2023; or

b. Any right to an equitable remedy for breach of performance if such right gives rise to a right of payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, where such right arose or accrued prior to February 6, 2023; or

c. Any right to payment arising from the rejection by the Receiver of an executory contract or as a result of the failure of Receivership Defendants in receivership completing their obligations under a lease.

1.4 Creditor: A person entitled to assert a Claim against any Receivership Defendant in receivership as of February 6, 2023. This definition does not include persons who invested with any Receivership Defendant. This definition includes both Unsecured Creditors and Secured Creditors.

1.5 Claims Bar Date: The deadline by which Claims must be received by the Receiver shall be [insert date].

1.6 Claims Report: The Receiver's report filed with the Court describing the Claims received by the Receiver and setting forth his recommendations concerning those Claims.

1.7 Court: The United States District Court for the Southern District of Texas, Houston Division, assigned Civil Action 4:23-CV-00336.

1.8 Investor Claim: A person or entity who invested with any of the Receivership Defendants and was not fully repaid such investment on or before February 6, 2023.

1.9 Proof of Claim: The Proof of Claim form attached as **Exhibit C** to the Receiver's Motion and hereby approved.

1.10 Receiver: Kelly M. Crawford.

1.11 Receivership Defendants: The Defendants Marcus Todd Brisco, Yas Castellum LLC, Yas Castellum Financial LLC, Tin Quoc Tran, Francisco Story, Fredirick Safranko a/k/a Ted Safranko, SAEG Capital General Management LP, and Michael Shannon Sims.

1.12 Receivership Assets: The "assets" of the Receivership Defendants in receivership, as defined by the Orders of the Court, including, but not limited to, chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts (including, but not limited to, bank accounts and accounts at other financial institutions), credits, receivables, lines of credit, contracts (including spot, futures, options, or swaps contracts), insurance policies, funds wherever located, whether in the United States or outside the United States.

1.13 Receivership Date: February 6, 2023, the effective date of the order of the Court placing the assets of the Defendants in receivership.

1.14 Secured Claim: A Claim that is secured by a properly-perfected lien on Receivership Assets, but not including an Investor Claim or Unsecured Claim.

2. NOTICE OF RIGHT TO FILE CLAIMS AND CLAIMS BAR DATE

2.1 Notice to Investors and Creditors: The Receiver shall notify each known Investor and Creditor (Secured and Unsecured) of the Claims Bar Date and their right to file a Claim as provided herein in a form substantially similar to Exhibit A attached to the Receiver's Motion. Notices to Investors and Creditors shall be accompanied by a copy of the Proof of Claim form, a copy of this order, and any other information the Receiver deems appropriate. The Notice to Investors and Creditors shall be deposited in the United States mail, postage pre-paid, addressed to the Investor or Creditor at the most-recent address contained in the records of the Receiver by no later than [insert date].

2.2 Notice by Publication: No later than [insert date], the Receiver shall also publish at least once in *USA Today* a copy of the Notice by Publication in a form substantially similar to Exhibit B attached to the Receiver's Motion.

3. FILING OF CLAIMS

3.1 Filing Claims: Any Investor or Creditor asserting a Claim against the Receivership Defendants, the Receiver, or the Receivership Assets, regardless of whether the Claim has been acknowledged by the Receiver, shall file with the Receiver a Proof of Claim on or before the Claims Bar Date. The Proof of Claim shall be deemed filed on the date it is received by the Receiver. The Proof of Claim shall be on the form approved by the Court and

provided by the Receiver and shall contain all of the information requested in the form.

3.2 Place to File Claims: All Claims shall be filed with the Receiver by emailing, mailing postage prepaid or otherwise delivering a properly-completed Proof of Claim with all required supporting documentation to the Receiver at the following address:

Kelly M. Crawford, Receiver
500 N. Akard Street, Suite 2700
Dallas, Texas 75201
kelly.crawford@solidcounsel.com

3.3 Prohibition Against Filing Claims with Court: No Claim shall be filed with the Court and any Claim so filed shall not be considered properly-filed as required under this Order.

3.4 Supporting Documentation: Each Claim shall include as an attachment all documentation supporting the claim. Original documents should not be filed with the Claim. If a supporting document is not available, the Investor or Creditor must attach an explanation of why the document is not available.

4. THE RECEIVER'S CLAIMS REPORT AND THE COURT'S ADJUDICATION OF CLAIMS

4.1 Receiver's Claims Report: On or before [insert date], the Receiver shall file with the Court his Claims Report setting forth all Claims, other than Administrative Claims, filed with the Receiver together with the Receiver's recommendations concerning such Claims. The Claims Report will also include a recommendation concerning the classification of Claims and the allocation of assets to be distributed toward payment of Claims.

4.2 Notice to Investors and Creditors: The Receiver shall provide to each Investor and Creditor who filed a claim with the Receiver, a copy of the Receiver's Claims Report.

Service shall be made by email with a confirmation of receipt from the Investor or Creditor, or by depositing the Claims Report in the United States mail, postage pre-paid, addressed to the Investor or Creditor at the most recent address contained in the records of the Receiver. The Claims Report shall be served upon the Investors and Creditors within two (2) days after the date the Receiver's Claims Report is filed with the Court.

4.3 Objections: All objections to any part of the Claims Report shall be filed with the Receiver and not with the Court. The objections shall be set forth in writing and deposited in the United States mail postage pre-paid, on or before [insert date]. The objection shall be addressed to the Receiver at:

Kelly M. Crawford, Receiver
500 N. Akard Street, Suite 2700
Dallas, Texas 75201
kelly.crawford@solidcounsel.com

4.4 Filing of Objections by the Receiver: On or before [insert date], the Receiver shall file with the Court a copy of all timely objections received by the Receiver, together with the Receiver's response to those objections, and shall serve a copy of same on all persons appearing on the Certificate of Service and on all persons who served the Receiver with objections as provided above.

4.5 Hearing Date: If the Court deems it necessary, a hearing will be held on a date set by the Court regarding the Claims Report and the Receiver's recommendations and any objections thereto.

4.6 Final Adjudication of Claims: The Court shall enter an order approving or rejecting the Claims filed with the Receiver.

5. MISCELLANEOUS

5.1 A Claim shall be filed on or before the Claims Bar Date, except that Administrative Claims by the Receiver or the Receiver's agents, regardless of the date incurred, shall not be subject to a Claims Bar Date.

5.2 The Receiver, any Investor, or any Creditor (Unsecured or Secured) or other party-in-interest may file an objection to any Claim as provided in this Order.

5.3 All Administrative Claims shall be paid by the Receiver in accordance with the prior orders of this Court or, where required, by motion and order of the Court. All Approved Claims, other than Administrative Claims, shall be paid as provided by further order of the Court.

Signed this ____ day of _____, 20__.

UNITED STATES DISTRICT JUDGE